

### **REMARKS**

Applicants appreciate the Examiner's thorough examination of the subject application and request reconsideration of the subject application based on the foregoing amendments and the following remarks.

Claims 1-22 are pending in the subject application.

Claims 1-22 stand rejected under 35 U.S.C. §103. Claim 7 was objected to because of an identified informality.

Claim 7 was amended as suggested by the Examiner and thus now includes the appropriate legend for a previously amended claim (*i.e.*, Previously Presented).

The amendments to the claims are supported by the originally filed disclosure and thus entry of the foregoing amendments into the subject application is respectfully requested.

### **35 U.S.C. §103 REJECTIONS**

Claims 1-22 stand rejected under 35 U.S.C. §103 as being unpatentable over the cited prior art for the reasons provided on pages 3-10 of the above-referenced Office Action. The following addresses the specific rejections provided in the above-referenced Office Action.

### **CLAIMS 1-14, 17-22**

Claims 1-14 and 17-22 stand rejected as being unpatentable over Burns et al. [USP 6,405,315; "Burns"] in view of Miyazaki et al. [US Patent Application Publication 2002/0174369; "Miyazaki"] for the reasons provided on pages 3-9 of the above referenced Office Action. Applicants respectfully traverse.

It is asserted in the Office Action (see pg. 3 thereof) that Miyazaki discloses that individual computers/storage devices can have security levels (see paragraphs [0040]-[0044] and

[0060]). The paragraphs referred to in Miyazaki; however, only disclose plural disks A1013 and B1015. The existence or presence of plural security levels is not disclosed in these paragraphs.

Paragraph [0061] of Miyazaki teaches that plural security levels are set; however, when considered with regards to other teachings or recitations in the Miyazaki, such security levels are not set at the device level but rather are set *at the file level*. For example (italics added for emphasis), in view of the recitation “security levels *of files*” (see claim 1, paras. [0089]-[0092]); “the security levels *of accessible files*” (see para. [0007]); “security level of files” (see para. [0033]); “security level *of each file*” (see para. [0039]); “*a file having* a security level” (see para. [0057]); “security level *of the file*” (see paras. [0067]. 0090]); and “security levels 6003 *of the corresponding files*” (see para. [0087]), it can be seen that in Miyazaki security levels are set not at devices but set for files. Moreover, Figure 6 of Miyazaki also illustrates that security levels are associated with *files* and not associated with devices.

In contrast, claim 1 of the present invention provides that the network connects the electronic device, the storing means, and the external devices to one another and the electronic device, at least one of the plurality of storing means, and at least one of the external devices each have a security function and an associated security level. In view of the foregoing remarks regarding Miyazaki, it can be seen that Miyazaki does not disclose, teach or suggest, as is claimed by Applicants that *the electronic device, at least one of the plurality of storing means, and at least one of the external devices each have ... an associated security level*”.. Therefore, claim 1 is patentable over the combination of Burns and Miyazaki.

As to claims 2-3, 6-13, each of these claims depends (directly or ultimately) from claim 1. Thus, each of claims 2-3, 6-13 are considered to be allowable at least because of their dependency from an allowable base claim. This shall not; however, be considered an admission that claims 2-3, 6-13 are not separately patentable from the combination of Burns and Miyazaki.

As to claim 17, Applicants respectfully submit that the above remarks regarding claim 1, apply to distinguish the data receiver search system of claim 17 from the combination of Burns

and Miyazaki. In particular, the combination of Burns and Miyazaki does not disclose, teach, or suggest a plurality of storing means for storing data, *each storing means having a different security level associated therewith* as is set forth in claim 17. This shall not, however, be considered an admission that there are not additional grounds for distinguishing claim 17 from the combination of Burns and Miyazaki.

As to claim 18, Applicants respectfully submit that the above remarks regarding claim 1 apply to distinguish the data receiver search method of claim 18 from the combination of Burns and Miyazaki. This shall not, however, be considered an admission that there are not additional grounds for distinguishing claim 18 from the combination of Burns and Miyazaki.

As to claims 19-22, each of these claims depends (directly or ultimately) from claim 18. Thus, each of claims 19-22 are considered to be allowable at least because of their dependency from an allowable base claim. This shall not; however, be considered an admission that claims 19-22 are not separately patentable from the combination of Burns and Miyazaki.

It is respectfully submitted that claims 1-14 and 17-22 are patentable over the cited reference(s) for the foregoing reasons.

## **CLAIMS 15-16**

Claims 15 and 16 stand rejected as being unpatentable over Burns et al. [USP 6,405,315; “Burns”] in view of Miyazaki et al. [US Patent Application Publication 2002/0174369; “Miyazaki”] and further in view of Tomat [USP 6,459,499]. Applicants respectfully traverse as discussed below. Because claims were amended in the instant amendment, the following discussion refers to the language of the amended claims. However, only those amended features specifically relied upon to distinguish the claimed invention from the cited prior art shall be considered as being made to overcome the cited reference.

Each of claims 15-16 depends (directly or ultimately) from claim 1. Thus, each of claims 15 and 16 are considered to be allowable at least because of their dependency from an allowable base claim. This shall not; however, be considered an admission that claims 15-16 are not separately patentable from the combination of Burns, Miyazaki and Tomat.

It is respectfully submitted that claims 15 and 16 are patentable over the cited reference(s) for the foregoing reasons.

The following additional remarks shall apply to each of the above.

As provided in the MPEPs, obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Fine*, 837 F. 2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F. 2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). As provided above, the references cited, alone or in combination, include no such teaching, suggestion or motivation.

Furthermore, a prior art reference can be combined or modified to reject claims as obvious as long as there is a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Additionally, it also has been held that if the proposed modification or combination would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. Further, and as provided in MPEP-2143, the teaching or suggestion to make the claimed combination and the reasonable suggestion of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). As can be seen from the forgoing discussion regarding the disclosures of the cited references, there is no reasonable expectation of success provided in the references that the suggested modification would be reasonably successful. Also, it is clear from the foregoing discussion that the modification suggested by the Examiner would change the principle of

operation of the system and methodology described in Burns.

It is respectfully submitted that for the foregoing reasons, claims 1-22 are patentable over the cited reference(s) and thus, satisfy the requirements of 35 U.S.C. §103. Therefore, these claims, including the claims dependent therefrom are allowable.

It is respectfully submitted that the subject application is in a condition for allowance. Early and favorable action is requested.

Applicants believe that additional fees are not required for consideration of the within Response. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, the Commissioner is hereby authorized and requested to charge Deposit Account No. **04-1105**.

Respectfully submitted,  
Edwards Angell Palmer & Dodge, LLP

**/ William J. Daley, Jr. /**

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